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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF U S WEST  
COMMUNICATIONS, INC.'S  
COMPLIANCE WITH § 271 OF THE  
TELECOMMUNICATIONS ACT OF 1996

Docket No. T-00000A-97-0238

AT&T'S COMMENTS ON STAFF'S  
FINAL INTERIM REPORT ON  
QWEST'S COMPLIANCE WITH  
CHECKLIST ITEM 2.

AT&T's Communications of the Mountain States, Inc. and TCG Phoenix  
(collectively, "AT&T") files their comments on Staff's Final Interim Report on Qwest's  
Compliance with Checklist Item 2, dated December 24, 2001.

**I. INTRODUCTION**

Staff correctly concludes that Qwest is not yet in compliance with checklist item  
2. However, AT&T believes there are reasons, in addition to the ones identified by Staff,  
for concluding Qwest Corporation ("Qwest") is not in compliance with checklist item 2.

Due to the multitude of reports that AT&T must respond to, AT&T does not have  
the time or the resources to verify the accuracy of Staff's summaries of Qwest's and  
AT&T's positions. Accordingly, AT&T reserves the right to point out omissions or  
inaccuracies in future pleadings or proceedings.

AT&T continues to take issue with Staff's summary of the test of Qwest's Operations Support Systems ("OSS") and believes a number of statements are not accurate.<sup>1</sup> For example, Staff states that the test was carried out in accordance with the Master Test Plan and Test Standards Document ("TSD").<sup>2</sup> AT&T disagrees. In its recent pleading -- AT&T's Response to Staff's Motion to Postpone Final OSS Workshop by One Week, Response to Qwest's Motion to Compel Staff to Release Reports and AT&T Supplement to Second Notice of Scheduling Issues -- AT&T provided a number of examples of the failure of Cap Gemini Ernest & Young ("CGE&Y") to comply with the TSD.

Paragraph 32 also is not consistent with reality. AT&T has outstanding comments on a number of Incident Work Orders ("IWO") that were prematurely closed by CGE&Y that the TAG has not yet addressed and determined whether further testing is necessary or not. Accordingly, AT&T cautions the Administrative Law Judges ("ALJ") and the Commission against relying on the accuracy of Staff's summary of the OSS test.

Finally, AT&T may elect not to comment on Staff's resolution of certain disputed issues. This decision not to respond should not be construed as agreement by AT&T with Staff's resolution, in this or any other proceeding. AT&T also reserves the right to raise issues regarding Staff's recommendations in the future.

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<sup>1</sup> Staff Report, ¶¶ 20-38. See AT&T's Comments on Staff's Report on Checklist Item 2 dated October 26, 2001, at 2-5.

<sup>2</sup> Staff's Report, ¶25.

## II. ARGUMENTS

### A. Disputed Issues Nos.1(b), 1(c), & 1(d)

In all of its recommendations to these three disputed issues, Staff proposes that AT&T and Qwest have 20 days from the date of the Commission's order approving Staff's Report to submit agreed upon SGAT language. If the parties do not submit language, Staff recommends that it be given authority to draft SGAT language to address the unresolved issue. AT&T will not oppose Staff's Resolution of the disputed issues; however, AT&T believes the Commission's order should be clear that AT&T and Qwest have an opportunity to comment on any Staff proposal, that the Staff's proposal and AT&T and Qwest's comment subsequently will be reviewed by the ALJ, a proposed order issued, and the Commission approval obtained on Staff's proposed language.<sup>3</sup>

AT&T has several comments on Disputed Issue Nos.1(c), 1(d) and 1(e). AT&T believes that Staff should be consistent on the approach to the negotiations on agreed upon language. In its resolution of 1(e), Staff proposes using Qwest's language as a starting point. In 1(c) and 1(d), Staff now acknowledges that Qwest did not propose any language on comprehensive testing but Staff fails to recommend that AT&T's language be used as a starting point. Qwest had every opportunity to propose comprehensive testing language during the workshops. It refused to do so. Accordingly, Staff should find that AT&T's language should be used as a starting point. Otherwise, AT&T and Qwest are not being treated consistently.

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<sup>3</sup> AT&T proposes these safeguards in every instance Staff proposes that it be allowed to draft language resolving an issue.

In its resolution of 1(b), Staff suggests that the language proposed by WCom is reasonable. The CMP re-design continues to address this disputed issue. Language is generally agreed to, as reflected in the Master Redlined CLEC-Qwest CMP Re-design Framework Interim Draft dated December 10, 2001. However, not all issues have been resolved. AT&T does not understand the basis of Staff's recommendation that it be allowed to draft language if no agreement between the CLECs or Qwest is reached. Without further comment, it is unclear how Staff would arrive at a decision, since it has not been attending the CMP meetings and the record in Arizona on CMP is limited because the CMP meetings are conducted outside the section 271 process. AT&T believes this issue must remain open until Qwest and the CLECs resolve the issues or they go to impasse. If an issue goes to impasse the parties should be permitted to provide comments on the issue.

In Staff's discussion of 1(e), at paragraphs 258 and 259, Staff notes a number of Qwest comments on AT&T's proposed revisions to Qwest's SGAT language. AT&T takes exception to Qwest's objections. In paragraph 258, Qwest objects that AT&T's language requires "identical" results between the testing environment and production environment sets up a standard that is vague. In paragraph 259, Qwest argues that Qwest's pre-order queries cannot be subjected to the same edits as production because the environment will not have access to real customer data in the Legacy systems.

Pre-ordering queries must be subjected to the identical edit and error-checking processes in the stand-alone test environment as are queries processed by Qwest in the production environment. This means that the Qwest production business rules that establish the form, format, and content of valid pre-ordering queries are to be applied for

transactions being tested. This is separate from the issue of what data can be queried in the stand-alone test environment. Regardless of the fictional or real pre-ordering information data bases that are queried with these transactions, the testing CLEC must have access to the Qwest processes that determine whether the pre-ordering query is structured properly, is formatted correctly, has correct content, and that is targeted for processing against the stand-alone test environment databases.

The stand-alone test environment will provide test databases and system tables that are structured identically to those used in production, while having content that is agreed upon between CLEC and Qwest. AT&T does not propose that Qwest make available for stand-alone testing actual inventories of telephone numbers or installation appointment dates. Moreover, AT&T recommends that an Arizona CLEC would not benefit from test databases that provide for Wyoming customer service records or Nebraska products and services. The parties must come to agreement on the breadth of information that will be contained in the stand-alone test environments and that will be formatted consistent with the production databases and system tables. These principles of stand-alone testing for pre-ordering have been successfully implemented by Verizon and SBC, and are consistent with AT&T's proposals.

Qwest argues that the proposed language of AT&T in §§ 12.2.9.3.2 and 12.2.9.3.3 concerning "a new Qwest release," as well as the proposed language in § 12.2.9.3.4 concerning "when Qwest migrates its OSS interfaces," are unnecessary.<sup>4</sup> The stand-alone test environment must support CLECs that (a) begin to use a Qwest electronic interface, (b) continue to use a Qwest interface while making modifications to the CLECs own

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<sup>4</sup> Staff Report, ¶ 260.

systems connected to the interface, and (c) upgrade an interface to a new Qwest release. The proposed language noted above provides for that multiplicity of uses for the stand-alone testing environments. If these provisions are not made, the stand-alone test environment will fail to support CLECs in one or more of the three described states of progress. When the stand-alone test environment mirrors the production environment by migration from testing to production, CLECs that are migrating to new release capabilities in tandem with Qwest's roll-out of new interfaces are assured that the testing results will be the same as the results of production processing with the new interface. When the stand-alone test environment mirrors the existing production environment, CLECs that are new users of an interface and current user CLECs implementing revisions to their systems that affect the interface are assured that their test results will be the same as production system results.

**B. Disputed Issue No. 3: Is Qwest Obligated to Build UNEs On A Nondiscriminatory Basis?**

Staff has attempted to clarify its position on Qwest's obligation to build unbundled network elements ("UNEs"); however, minor ambiguities remain.<sup>5</sup>

First, Staff states that "Qwest is certainly not required to demand that Qwest construct any network additions or modifications on CLEC's behalf."<sup>6</sup> This is inconsistent with Federal Communications Commission ("FCC") orders and rules. The

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<sup>5</sup> As an aside, Staff's statement in paragraph 286 implies that AT&T provided only limited support for its arguments that Qwest is obligated to build. If this is Staff's implication, it is incorrect. See AT&T's Brief on Checklist items 2, 5 and 6, dated May 18, 2001, at 4-9.

<sup>6</sup> Staff Report, ¶ 296.

FCC made it quite clear the incumbent local exchange carriers have to modify their facilities to extent necessary to accommodate access to UNEs.<sup>7</sup>

In paragraph 292, Staff adopts the Colorado language, and finds that Qwest shall treat CLEC orders the same as it would treat its own orders. The one important point that Staff fails to mention is that CLECs are entitled to UNEs at cost-based rates. This is something that the Hearing Commissioner in Colorado noted in a footnote in his ruling. Staff should do the same.

**C. EEL Disputed Issue No. 1: Should Termination Liability Assessments (“TLs”) Apply to Conversion of Tariff Services to UNEs?**

Staff correctly summarizes AT&T's comments on Staff's initial report on the payment of TLAs on the conversion of tariff services to enhanced extended links (“EELs”).<sup>8</sup> AT&T is disappointed that Staff adopts its original position without addressing the legal issues raised by AT&T.<sup>9</sup> Staff's decision not to address the issues raised by AT&T leaves the impression that it was acceptable for Qwest refuse to provide EELs (although AT&T claims Qwest was legally obligated to provide EELs since August 8, 1996) and allow Qwest to retain the difference between UNE rates and tariff rates from August 8, 1996, until October 9, 1999, the date in the compromise, as amended by Staff. If Qwest was legally obligated to provide combinations since August 8, 1996 (and that obligation was not stayed by a court), Staff should explain why the compromise it

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<sup>7</sup> *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, Docket No. 96-98, First Report and Order, FCC 96-235 (rel. Aug. 8, 1996), ¶¶ 198 & 202.

<sup>8</sup> Staff Report, ¶ 316.

<sup>9</sup> See AT&T's Comments on Checklist Item No. 2 dated October 26, 2001, at 10-11.

adopted rightfully commences on October 9, 1999, and permits Qwest to retain ill-gotten gains.

Respectfully submitted this 8th day of January 2002.

**AT&T COMMUNICATIONS  
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## CERTIFICATE OF SERVICE

I, Shirley S. Woo, hereby certify that the original and 10 copies of **AT&T's Comments on Staff's Final Interim Report on Qwest's Compliance with Checklist Item 2** in Docket No. T-00000A-97-0238 were sent by overnight delivery on January 8, 2002 to:

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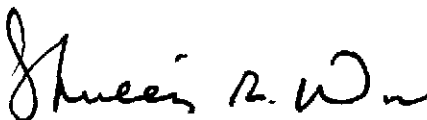
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